

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2315 – SB 2332

April 13, 2018

SUMMARY OF ORIGINAL BILL: Prohibits state and local government entities from adopting or enacting sanctuary policies limiting or restricting state and federal immigration policies and laws. Requires the Attorney General and Reporter (AG) to receive written complaints from residents of Tennessee regarding violations. Authorizes members of the General Assembly to request an investigation and opinion from the AG as to whether a local government entity or official has committed a violation. Requires the AG to issue a public opinion following an investigation into a complaint or request.

Prohibits any governmental entity or official determined to have adopted or enacted a sanctuary policy from receiving state funds. Such ineligibility for funding shall continue from the date the opinion is issued until the AG certifies that the policy in violation has been repealed. Authorizes a person residing in a municipality or county to file a complaint of a violation in chancery court.

Requires law enforcement agencies to negotiate the terms of a memorandum of agreement (MOA) with federal officials concerning enforcement of federal immigration laws. Requires every law enforcement officer employed by a law enforcement agency be trained in accordance with the MOA to enforce federal immigration laws while performing within the scope of their authorized duties as law enforcement officers.

Requires each law enforcement agency to submit a report by January 1 of each year to the Governor and the members of the General Assembly on the status of the law enforcement agency's attempts to enter into the MOA.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – Due to multiple unknown factors, any fiscal impact to federal or local government cannot be quantified with reasonable certainty. State funding will be withheld if a local government entity is found to be out of compliance with sanctuary policy requirements. However, the extent, timing, and duration for any withheld state funds are dependent upon multiple unknown factors and cannot be reasonably determined.

SUMMARY OF AMENDMENTS (016991, 017233): Amendment 016991 deletes and rewrites all language after the enacting clause such that the only substantive changes are: (1) prohibits any state or local governmental entity or official that adopted or enacted a sanctuary policy from receiving any economic and community development state funds, as opposed to any

state funds prohibited in the original bill; (2) deletes language that authorized a resident to submit a complaint regarding violations; (3) deletes language that required the AG to investigate and issue an opinion; (4) deletes language that required the AG to send a copy of the opinion to the state governmental entity or official that was the subject of the investigation, the Department of Economic and Community Development and the Department of Finance and Administration; and (5) adds language to prohibit any state or local governmental entity or official determined by a court to have adopted or enacted a sanctuary policy from entering into any grant contract with the Department of Economic and Community Development (ECD).

Amendment 017233 deletes and replaces language of the bill as amended by amendment 016991 to prohibit any state or local governmental entity or official that adopted or enacted a sanctuary policy from entering into any grant contract with the ECD, as opposed to receiving any economic and community development state funds.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Other Fiscal Impact – Due to multiple unknown factors, any fiscal impact to federal or local government cannot be quantified with reasonable certainty. State funding through grants from the Department of Economic and Community Development will be withheld if a local government entity is found to be out of compliance with sanctuary policy requirements. However, the extent, timing, and duration for any withheld state funds are dependent upon multiple unknown factors and cannot be reasonably determined.

Assumptions for the bill as amended:

- U.S. Immigration and Customs Enforcement (ICE) is responsible for enforcing federal immigration laws as part of its homeland security mission.
- All state government entities are assumed to currently be in compliance with state and federal immigration law.
- It is assumed that local governments are currently in compliance or will choose to comply with the provisions of the legislation in order to avoid a loss in state funding through ECD grants.
- To the extent a local government entity is found to be out of compliance with sanctuary policy requirements, state funding received through ECD grants will be withheld from such entity, as such entities will be prohibited from entering into any grant contracts with the ECD.
- The precise fiscal impact related to any funds being withheld is dependent upon multiple unknown factors and cannot be reasonably determined.
- Pursuant to Tenn. Code Ann. § 7-68-104, an individual can currently file similar complaints with chancery courts regarding violations of immigration law. Any impact on the court system is estimated to be not significant.

- The 287(g) program, one of ICE's partnership initiatives, allows a state or local law enforcement entity to enter into a partnership with ICE, under a joint MOA, in order to receive delegated authority for immigration enforcement within their jurisdictions.
- The number of additional local entities that will enter into this MOA as a direct result of this legislation is unknown. The number of officers that will be trained is unknown.
- The costs associated with training such officers are unknown.
- Therefore, any fiscal impact to the federal or local government cannot be quantified with reasonable certainty.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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